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DOCUMENT #: 01587-019  
SUBJECT: Annual Report Re FOM

Originator Office:

Date 3 Mar 87

Central Intelligence Agency



Washington, D.C. 20505

FOIA FILE ARef / FOIA General

28 FEB 1987

OIS 87-019

The Honorable George Bush  
President of the Senate  
Washington, DC 20510

Dear Mr. President:

Submitted herewith, pursuant to the provisions of 5 U.S.C. §552(d), is the report of the Central Intelligence Agency concerning its administration of the Freedom of Information Act (FOIA) during calendar year 1986.

This was another year of achievement in terms of our commitment to reduce our backlog of requests for information. Despite an increase of 10 percent in the number of incoming requests, compared with the number received in 1985 (3094 compared with 2804), we were able to complete 3580 requests. Our backlog of 1661 cases at the end of 1985 was thus reduced to 1175 at the end of 1986, a reduction of 29 percent. Of the 3094 new requests, 1526 were FOIA cases, 1312 were "my file" requests processed under the Privacy Act, and 256 were for mandatory review under Executive Order 12356.

The Agency's semi-annual reports to Congress, required by the CIA Information Act, have been sent for the last two years to the Senate Committee on the Judiciary, the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the House Committee on Government Operations. In those reports we included statistics for the median response time in handling FOIA requests. Representative English, Chairman of the Government Information, Justice, and Agriculture Subcommittee of the Committee on Government Operations, found that statistic particularly useful in assessing our performance and asked that we continue to include our response time in the annual reports. For the FOIA cases on which responses were completed in 1986, the median response time was 3.24 months. This is a considerable improvement over the median response time of 9.2 months reported in October 1985 for the period of March to September 1985. October 1985 was the first time this calculation was made.

The CIA Information Act has contributed significantly to the reduction of both our backlog and our response time because Intelligence Officers no longer have to spend time reviewing a large volume of unreleasable operational documents. They can now devote their efforts to documents that possibly can be released, thus speeding up the processing of requests that have some potential for adding to the public's knowledge. We have also concentrated part of

our manpower on completing our older requests. In most instances, these are massive cases that require the efforts of several analysts over a long period of time. Again this year we reduced the number of open cases received prior to 1980 by over half. At the beginning of 1986 there were 96 pre-1980 cases still open; at year's end there were only 34. There are only 26 cases received in 1980 that remain open, bringing our total remaining pre-1981 cases to 60 with the inclusion of an additional year. More complete details of our production/workload statistics for CY 1986 are enclosed at Tab A. There were 158 new administrative appeals received this year. With the completion of 178 appeals, our appeals workload was reduced by 20 cases, bringing our total of open appeals to 166.

During 1986 our manpower input to FOIA/PA processing was 107 manyears -- a level consistent with recent years. This continues to represent a significant burden to the Agency in terms of both personnel and funds diverted from our primary mission. This is true for two reasons. First, even with the passage of the CIA Information Act and the exemption of operational files, operational documents found in other files must be reviewed for release by professional officers working on the area concerned. This means that they must be diverted from their intelligence duties to conduct the review. Second, discounting expenditures for space, equipment, and overtime differential, all of which remain high, the expenditure of funds continued at about the same level as in 1985. Since 1975 we estimate that the Agency has spent over [ ] in personnel costs alone for processing information requests -- [ ] for FOIA. Although we are allowed under FOIA to charge fees for records searches and duplication, these fees are inadequate for recovering even a small portion of the costs. The Agency has, since 1975, collected only \$105,086 in fees. When compared with funds expended for administering the FOIA, this continues to represent a return of only one-half cent on the dollar. Because of the number of fee waivers and reductions granted, the Agency collected only [ ] in fees and advance deposits during CY 1986 -- about half that of CY 1985. The fee waiver provisions in the Freedom of Information Reform Act, passed in late 1986, will further reduce our fee collections during the coming year.

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During 1986 we continued to benefit from the effects of the CIA Information Act. First, we have been able to concentrate our efforts more productively on potentially releasable records to the benefit of the requesters. Second, and more importantly, the time

formerly spent in searching for and processing sensitive operational files can now be devoted to other requests and to carrying out the Agency's primary missions. We are encouraged by our continued improvement in the reduction of our backlog and response time and will make every effort to show further improvement during CY 1987.

Sincerely,



William F. Donnelly  
Deputy Director  
for  
Administration

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Enclosures

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## 74920 Federal Register / Vol. 45, No. 221 / Thursday, November 13, 1980 / Rules and Regulations

**CENTRAL INTELLIGENCE AGENCY****32 CFR Part 1900****Public Access to Documents and  
Records and Declassification  
Requests****AGENCY:** Central Intelligence Agency.**ACTION:** Final rule.**EFFECTIVE DATE:** November 13, 1980.**§ 1900.25 Fees for records services.**

(a) Search and duplication fees shall be charged according to the schedule set forth in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that a waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Thus, the Coordinator shall determine the existence and extent of any identifiable benefit which would result from furnishing the requested information and he shall consider the following factors in making this determination:

- (1) The public or private character of the information sought;
  - (2) The private interest of the requester;
  - (3) The numbers of the public to be benefited;
  - (4) The significance of the benefit to the public;
  - (5) The usefulness of the information to the public; and
  - (6) The quantity of similar or duplicative information already in the public domain.
- In no case will the assessment of fees be utilized as an obstacle to the disclosure of the requested information. The Coordinator may also waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$6. Denials of requests for fee waivers may be appealed by writing to the Executive Secretary of the Information Review Committee, via the Coordinator.

(b) In order to protect the requester and the Agency from large, unexpected fees, when it is anticipated that the charges will amount to more than \$25, the processing of the request shall be suspended until the requester indicates his willingness to pay. The requester shall be notified and asked for his commitment to pay all reasonable search and duplication fees. At his option, the requester may indicate in advance a dollar limitation to the fees. In such an event, the Coordinator shall initiate a search of the system or systems of records deemed most likely to produce relevant records, instructing the system managers to discontinue the search as soon as the stipulated amount has been expended. Where an advance limit has not been stipulated, the Coordinator may, at his discretion or at the behest of the requester, compile an estimate of the search fees likely to be incurred in processing a request, or of such portion thereof as can readily be estimated. The requester shall be promptly notified of the amount and be asked to approve its expenditure. In those cases where the Coordinator estimates that the fees will be substantial, an advance deposit of 50 percent of the estimated fees will be required; in those cases where there is reasonable evidence that the requester may possibly fail to pay the fees which would be accrued by processing his request, an advance deposit of 100 percent of the estimated fees will be required. The notice or request for an advance deposit shall extend an offer to the requester whereby he is afforded an opportunity to revise the request in a manner calculated to reduce the fees. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

- (1) For each one quarter hour, or fraction thereof, spent by clerical personnel in searching for a record, \$1.50;
- (2) For each one quarter hour, or fraction thereof, spent by professional personnel in searching for a record, \$3.50;

(3) For each on-line computer search, \$11.00;

(4) For each off-line (batch) computer search of Central Reference files, \$27.00;

(5) For all other off-line computer searches of Agency files, \$8.00 per minute of Central Processing Unit (CPU) time;

(6) For copies of paper documents in sizes not larger than 8½ × 14 inches, \$0.10 per copy of each page;

(7) For duplication of non-paper media (film, magnetic tape, etc.) or any document that cannot be reproduced on a standard office copier, actual direct cost; and

(8) For extra copies of reports, maps, reference aids, and other Agency publications, actual cost.

(d) Inasmuch as the Agency's systems of records are highly decentralized, several computer searches may be required to process a request, depending upon its scope. The computer search costs given in paragraph (c), of this section, do not include whatever professional/clerical search time is needed to determine whether the records located are in fact responsive to the request.

(e) Search fees are assessable even when no records pertinent to the requests, or no releasable records are found, provided the requester has been advised of this fact and he has, that notwithstanding agreed to incur the costs of search.

(f) For requests which have accrued substantial search and duplication fees, or for requests for records which have been previously released, or where there is reasonable evidence that the requester may possibly fail to pay the accrued fees, then, at the discretion of the Coordinator, the requester may be required to pay the accrued search and duplication fees prior to the actual delivery of the requested records; otherwise, the requester shall be billed for such fees at the time that the records are provided. Payment shall be remitted by check or money order, made payable to the Treasurer of the United States, and shall be sent to the Coordinator. No appeals or additional requests shall be accepted for processing until the requester has paid all outstanding charges for services rendered under this part.

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